UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,729	07/31/2003	Tidhar Ziv	11884/403301	9352

			EXAMINER
23838	7590	07/17/2006	FRANCIS, MARK P

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ART UNIT	PAPER NUMBER
2193	

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/630,729	ZIV, TIDHAR
	Examiner	Art Unit	
	Mark P. Francis	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>31 July 2003</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-31</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,3-9, 11-25, and 27-31</u> is/are rejected.

7) ☒ Claim(s) <u>2,10 and 26</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>31 July 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>03/23/04</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the application filed on July 31, 2003.

2.   Claims 1-31 have been examined.

Priority Date

3.   The priority date considered for this application is February 21, 2003.

Oath/Declaration

4.   The Office acknowledges receipt of a properly signed oath/declaration filed July

31, 2003.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6.   Claims 17-20 and 21-24 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

Regarding claim 17,

According to the 101 Interim Guidelines, The tangible requirement does not necessarily

mean that a claim must either be tied to a particular machine or apparatus or must

operate to change articles or materials to a different state or thing. However, the

tangible requirement does require that the claim must recite more than a § 101 judicial

exception, in that the process claim must set forth a practical application of that § 101

judicial exception to produce a real-world result. Benson, 409 U.S. at 71-72, 175 USPQ

at 676-77 (invention ineligible because had "no substantial practical application."). "[An

application of a law of nature or mathematical formula to a ... process may well be

deserving of patent protection." Diehr, 450 U.S. at 187, 209 USPQ at 8 (emphasis

added); see also 21 Corning, 56 U.S. (15 How.) at 268, 14 L.Ed. 683 ("It is for the

discovery or invention of some practical method or means of producing a beneficial

result or effect, that a patent is granted . . ."). In other words, the opposite meaning of

"tangible" is "abstract."

Although Applicant states a software development kit inside the preamble,

Applicant merely recites inside the body of the claim an application-programming

interface that includes a component object model and an application object for

accessing and interfacing with the business database, which is functional descriptive

material that can be implemented using software means only that does not produce an

tangible, concrete, and useful real-world result of a practical application. Thus, the

claim as a whole can be implemented using software means only and does not result in

a tangible practical application under 35 U.S.C. 101.

Regarding claim 21, Applicant defines merely recites inside the body of the claim a

software development kit for providing a user interface, an application-programming

interface that includes a component object model and an application object for

accessing and interfacing with the business database, which are functional descriptive

material that can be implemented using software means only that does not produce an

tangible, concrete, and useful real-world result of a practical application. Thus, the

claim as a whole can be implemented using software means only and does not result in

a tangible practical application under 35 U.S.C. 101

The rejection of the base claim are incorporated into their dependent claims.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the

rejections under this section made in this Office action:

8.   A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

9.   Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Omiya.

(U.S. PGPUB 2005/0251797)

Independent claims

With respect to claims 1,9, and 25, Omiya discloses a machine-readable medium(Col

1:0012-0014, "...takes the form of machine-executable binary code...", e.g. See Fig. 1

element computer 100) having stored thereon a plurality of executable instructions for

performing a method comprising: instantiating an applications object(Col 2:0013,

"...moniker...") to identify all executing applications in said server-based database

system,(Col 1:0010-0013, "...Customizations are stored in a...which is preferably a

database...numerous customizations that can work with a given application object,...",

Col 2:0013-0016, "...Each customization stored in the database is indexed by a

moniker...",e.g. See Fig. 7, element 705 and related text) said applications object being

an instance of an applications class conforming to a component object model standard

for interfacing to a business database; (Col 1:0010-0012, "...the application object...A

business object...")

instantiating an application object dynamically from said instantiated applications object

to access at least one form and at least one menu in one of said executing applications;

(Col 6:0067-0070, "...connects the retrieved customization to application

object...")setting a forms property of said application object to include said at least one

form of said executing application; (Col 6:0067-0070, "...connects the retrieved

customization to application object...", See Fig. 8 and 9 and related text)

setting a menus property of said application object to include a menu tree of said

executing application, said menu tree identifying all menus in said executing application;

(Col 6:0063-0066, "...The user interface may be part of application...")invoking an item

event handler within said application object to catch all item events that are non-menu

events from said executing application; (Col 1:0011-0012, "...the event handler...", Col

6:0062-0068, "...Customization object includes one or more event handlers...")

and invoking a Menu event handler within said application object to catch all menu

events from said executing application. (Col 6:0062-0068, "...that assigns pointers to

event handlers...")

With respect to claims 17 and 21, Omiya discloses a machine-readable medium(Col 5:-0059-0063, "...database serves the function of a customization store...Machine-executable form...") having stored thereon a plurality of executable instructions comprising: a software development kit(e.g. see Fig. 3 and related text) for providing a user interface to access a business database, (Col 6:0063-0066, "...The user interface may be part of application...",) said software development kit including: an application programming interface including a plurality of component object model objects and methods;(Col 5:0053-0055, "... "application interface"...describes the methods...Public object model...") and an application object for accessing said business database being one of said plurality of component object model objects,(Col 1:0010-0013, "...A business object...", Col 2:0013-0016, "...The business object may construct...") said application object to interface with menus and forms currently in use in said business database. (Col 2:0013-0016, "...The business object may construct...")

Dependent claims

With respect to claims 3,11, and 27, the rejection of claims 2,10, and 26 are incorporated respectively and further, Omiya discloses that the instantiating an application object comprises: instantiating a plurality of properties in said application object including: said forms property; and said menus property. (Col 1:0010-0013, "...Customizations are stored in a...which is preferably a database...numerous

customizations that can work with a given application object,...", Col 2:0013-0016,

"...Each customization stored in the database is indexed by a moniker...",e.g. See Fig.

7, element 705 and related text)

With respect to claims 4,12, and 28, the rejection of claims 3,11, and 27 are

incorporated respectively and further, Omiya discloses that the instantiating an

application object comprises: instantiating a plurality of events in said application object

including: an item event; and a menu event. (Col 5:0053-0059, "...The name of the

event...", Col 6:0062-0066, "...includes one or more event handlers...The application

object is instantiated in a process...")

With respect to claims 5,13, and 29, the rejection of claims 1,12, and 25 are

incorporated respectively and further, Omiya discloses responding to an item event,

said item event is generated by said instantiated application object. (Col 5:0053-0056,

"...Public object model which can be invoked on a particular instance...")

With respect to claims 6,14, and 30, the rejection of claims 5,13, and 29 are

incorporated respectively and further, Omiya discloses that the responding to said item

event comprises: retrieving a form object dynamically from said instantiated application

object based on information obtained from said item event. 9Col 5:0054-0056, "...The

name of the event, and the fact...")

With respect to claims 7,15, and 31, the rejection of claims 1,12, and 25 are

incorporated respectively and further, Omiya discloses further comprises: responding to

a menu event, said menu event being generated by said instantiated application object.

(Col 6:0062-0067, "...a user interface is retrieved...The application object is instantiated

in a process...")

With respect to claims 8 and 16, the rejection of claims 7 and 15 are incorporated

respectively and further, Omiya discloses that the responding to said menu event

comprises: retrieving a form object dynamically from said instantiated application object

based on information obtained from said menu event. (Col 6:0065-0068, "...and a

particular customization is located and retrieved from customization store/database...")

With respect to claims 18 and 22, the rejection of claims 7 and 15 are incorporated

respectively and further, Omiya discloses that said application object comprises: at least

one method. (Col 6:0066-0070, "...has a method that is called that assigns pointers to

event handlers...")

With respect to claims 19 and 23, the rejection of claims 17 and 21 are incorporated

respectively and further, Omiya discloses that the forms application object comprises: at

least one property. (Col 5:0053-0056, "...The name of the event, and the fact...")

With respect to claims 20 and 24, the rejection of claims 17 and 21 are incorporated

respectively and further, Omiya discloses 20. The software development kit of claim 17

wherein said forms application object comprises: at least one event. (Col 5:0053-0056,

"...and a set of event sources...")

Allowable Subject Matter

10.   Claims 2,10 ,and 26 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

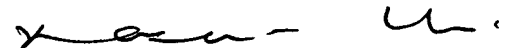limitations of the base claim and any intervening claims.

Conclusion

11.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mark P. Francis whose telephone number is (571) 272-

7956. The examiner can normally be reached on Mon-Fri 8:00-4:30.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Mark P. Francis

Patent Examiner

Art Unit 2193

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